



STATE OF WASHINGTON
LOCAL RECORDS COMMITTEE

Office of the State Auditor • Office of the Attorney General • Office of the State Archivist
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December 3, 2009 – 10:00 a.m.
State Archives Conference Room, Olympia, WA

MEETING MINUTES

Members Present: Mark Rapozo (Chair) - State Auditor's Office, Cindy Evans - Attorney General's Office, Jerry Handfield - State Archivist.

Staff Present: Russell Wood - State Records Manager; Julie Woods - Local Government Records Management; Erin Whitesel-Jones - Southwest Region Archivist; Megan Bezzo - Records Management.

Guests Present: Mike Killian - Franklin County Clerk; Kay Pownall - Port Townsend Police Department; Wendy Thompson - City of Shelton; Brian Ferris - Thurston County and ACCIS; Jennifer Winkler - City of Seattle; Tri Howard - Port of Tacoma.

I. ROUTINE ITEMS

A. Call to Order

Mark Rapozo called the meeting to order at 10:00 a.m.

B. Introduction of Guests

C. Approval of Minutes for September 24, 2009

Motion to adopt the September 24, 2009 minutes as presented: Cindy Evans; seconded by Jerry Handfield.

Resolution: Motion carried.

D. Adoption of December 3, 2009 Agenda

Motion to adopt the agenda as presented: Evans; seconded by Handfield.

Resolution: Motion carried.

II. OLD BUSINESS

A. Passport Transmittals – Mark Rapozo

Retention of *Passport Application Transmittals* (GS50-12D-22) was discussed, specifically in relation to the audit of transmittal forms used to record cash receipts (execution fees) vs. transmittal forms used solely to transmit passport applications to the U.S. Department of State.

The manual issued to passport acceptance facilities by the U.S. Department of State advises that transmittal forms should be shredded after 1 year. However, no federal or state statute could be located that elevates this phrasing from a suggestion to a legal requirement.

Rapozo stated that a 6-year retention was originally assigned to this records series due to the fact that the transmittal forms document cash transactions.

Mike Killian declared that the execution fees collected by his agency are receipted in a cash-receipting system, and the transmittal form serves only to provide information required by the U.S. Department of State.

Rapozo stated that if execution fees are recorded in a separate cash receipting system, then the transmittal forms do not need to be retained for six years. But if agencies do not issue a separate cash receipt, then the transmittal forms are serving as a cash receipt and must be retained for the 6-year period.

Woods will submit two series for approval at the next LRC meeting – a revised GS50-12D-22 (which will cover transmittal forms which also serve as cash receipts), and a new series (which will cover passport application transmittal forms where a separate cash receipt is issued).

III. OTHER BUSINESS

A. 2010 Meeting Schedule

Local Records Committee meetings will be scheduled for the last Thursday of each odd month in 2010 (with the exception of November, which will be the 3rd Thursday, November 18th, due to Thanksgiving holiday).

Motion to adopt the 2010 schedule of meetings as submitted: Handfield; seconded by Evans.

Resolution: Motion carried.

IV. WASHINGTON STATE ARCHIVES UPDATES

A. Revision of Records Retention Schedules – Julie Woods

- i. CORE – Information Management
- ii. CORE – Agency Management

Woods shared the most recent drafts of the revised sections with the Committee, including the entire Information Management function, the Electronic Information Systems activity (which was moved to the Asset Management function), and the new companion series **Communications – Executive**, and **Communications – Non-Executive** (which were created from current series **Correspondence** GS50-01-12).

She also informed the Committee that a new section called “Records with Minimal Retention Value” was created by dividing GS50-02 into five new series with detailed descriptions. This new guidance will provide specific relief to local agencies who are struggling to manage millions of emails (that have minimal retention value) but who aren’t confident enough with the description provided in GS50-02 to dispose of them. The five new records series cover:

1. **Agency Information – Routine**
2. **Agency-Generated Forms and Publications – Copies**
3. **General Information – External**
4. **Secondary (Duplicate) Copies**
5. **Transitory Information**

Woods stated that local agencies are providing a lot of good feedback, both in the way of suggestions and gratitude for addressing these issues.

Handfield mentioned the recent news item relating to Pierce County's decision to retain all emails for six years. He also noted that an email containing even two words, such as "Good job", may appear to be transitory in nature, but, as evidenced during the Oliver North Iran-Contra hearings, when that email comes from an Admiral in the US Navy, it can prove to be a critical piece of evidence.

Wood reminded everyone that keeping everything for a set period of time doesn't actually *manage* the records, because, at the end of the set period, the records *still* need to be dispositioned in accordance with a current approved records retention schedule.

Tri Howard commented that there are inconsistencies in the RCWs and WACs, and that while updating records retention schedules is important, it is equally important that relevant statutes are updated. He recalled that when the Digital Archives ingested emails from the Governor Locke Administration, all emails were ingested and no sorting was done. Also, agencies have technologies that may not allow them to eliminate email. Port of Tacoma has every email since 2004, and while there is a downside to retaining records too long, the emails have come in very handy for litigation purposes. The Port of Tacoma uses the Barracuda system, which filters spam.

Woods said that regarding the two new **Communications** series, agencies have been very supportive of the concept – and the detail provided – but there has been mixed input relating to the minimum retention periods. (Many responders indicated a preference for a 3-year retention period (for non-executive communications); one response preferred 30 days.) The retention periods will not change in *CORE 2.0*.

Evans stated that the descriptions in the new series may help agencies identify steps they perhaps *should* be taking (but currently are not), and she continued to say that the new series are a vast improvement over the existing **Correspondence** series in *CORE 1.0*.

Handfield announced that next year, the Digital Archives will begin spidering local and state government websites on an annual basis, explaining that we are undergoing a revolution in how we are documenting records, and it's not going to be perfect. It took thousands of years to get from oral to paper recordkeeping, and it's going to take many years to transition to electronic recordkeeping.

Handfield showed a new device created by Kodak to store NASA's satellite images. It is a silicon wafer that holds thousands of images (not unlike microfilm), and can be read with an electron microscope. An alternate was needed when NASA discovered in the early 1990's that it could not recover thousands of digital images that had been created in the 60's, 70's and 80's, and stored electronically (zeros and ones).

Woods announced that a new series has been created to cover accountable forms, which are currently only *referenced* in GS50-02 as needed to be retained for audit purposes. **Forms – Accountable** (GS2010-011) will cover these records and appears in the Forms and Publications activity.

Woods also showed Members a chart of examples that was created to assist agencies in applying the new records series to commonly created communications records. This tool has been very well received by Reference Group participants.

Jennifer Winkler informed Members that she has issues with the chart and stated the examples used to illustrate **Communications – Executive** records, she considers "junk" and does not keep for two years; she believes there should be more flexibility in the interpretation of the records series. Winkler gave examples of emails that she considers "junk", and does not retain, including communications to and from City of Seattle's Communications Director relating to the City Council's schedule and the coordination of tours for the new City Council members. While these topics fall within the Communication Director's functional

responsibility, and document a transaction of public business, Winkler said she discards these records because she believes they are “junk” and don’t need to be retained for two years.

Wood stated that we are trying to not to allow people too much flexibility because a lot of people are paying out a lot of money because of the flexibility they exercised incorrectly.

Winkler suggested that Members consider the fact that a lot of records that document a function of business don’t deserve to be kept for two years, and she advises City of Seattle employees to delete them because there’s no need to keep them.

Evans countered that Winkler’s *opinion* may be that the information in a record is not valuable, but depending on the situation and what’s going on, the information *could* prove to be valuable to *someone*. Evans explained that this type of judgment call can “come back to get you”.

Winkler stated that 85% of the email that comes into City of Seattle is “junk”, and is not retained. She declared that there is going to be some contradiction between what the Local Records Committee determines needs to be retained, and what cities actually decide to retain.

Handfield shared that when records management was first established as an issue in the United States, the government declared that no record shall be destroyed for three years, which gave auditors time to review each record. Over time, different retention periods were assigned to different records series. Establishing records retention requirements for electronic records is similar in that we have to start on a broad, sweeping level, and, over time, records retention will be more precisely defined.

Woods announced that the Local Government Listserv now has 864 subscribers, an increase of 90 since the last meeting September. All 39 counties are represented.

iii. LGRRS – Library

Woods informed Members that all records series relating to libraries (public, school, internal agency) have been transferred from LGRRS and put into CORE, and that that both the *Local Government Common Records Retention Schedule (CORE Version 2.0)* and the *Local Government General Records Retention Schedule (LGRRS Version 5.1)* will be submitted to the LRC for approval in January.

iv. Law Enforcement

Megan Bezzo announced that she is incorporating feedback from Reference Group participants and plans to distribute a second draft of the *Law Enforcement Agencies Records Retention Schedule* in mid-December.

One major issue that Bezzo is attempting to address involves the integration of two records series, ***Incident Reports*** and ***Criminal History Record Information***. It is complex because according to existing RCW, Washington State Patrol is the primary custodian of criminal history information, but agencies are holding on to these records.

Kay Pownall suggested that these records series should actually *not* be combined, because criminal history record information *does* belong with Washington State Patrol, and incident report are *not* part of that record. The records series should actually be written so that the two *aren’t* confused. The Police Department or Sheriff should retain the incident reports and the case files, and Washington State Patrol should hold the criminal history record information. Discussion ensued.

Bezzo is continuing to work on revisions to the *Health Departments and Districts Records Retention Schedule* and the *Public Hospital Districts Records Retention Schedule* revision.

B. Destruction after Digitization (DAD) Applications – Russell Wood

Wood provided a comprehensive list of approvals that have been granted to local government agencies under the new DAD application, as well as the former Electronic Imaging System (EIS) application.

Wood explained that prior to 2009, authority was granted without an expiration date (hence, the “n/a” posting under “Expires”), but from 2009 forward all approvals will have an expiry date. There are currently 20 local agencies approved, but there is a large group of applications still under review.

The list will be posted on the WSA website next week in order to provide easy verification of approval status. Rapozo requested the link so that he can share this resource with state auditors.

C. Announcements from the State Archivist

Handfield produced a Tacoma News Tribune editorial titled, “Price of Public Records Delay: \$525,000”, and described a penalty against the Department of Social and Health Services (DSHS) for failing to provide records in a timely manner. Many of the records were not found due to poor records management, including filing 30-year records in the same boxes as 6-year records, which inadvertently allowed for the destruction of records before they had met their full retention requirements. This case illustrates the value of good records management. DSHS is in the process of transferring nearly 30,000 boxes of records to the State Records Center.

Since April of 2009, WSA has lost 31 staff – most of them dealing with local records. Imaging Services staff comprised about half of the cuts, which means that fewer records will be digitized for ingestion at the Digital Archives.

Mike Killian, past Chair and current member of the Archives Oversight Committee (AOC), reported on yesterday’s AOC meeting. The Committee discussed fund balance concerns relating to the \$4 million taken by the Legislature during the last session which resulted in a reduction of Local Records Grants from \$2.5 million in the 07-09 biennium, to \$100,000 in the current grant cycle.

In September, WSA was asked by King County to be proactive in response to the threat of the Green River flood. WSA was asked to join the Governor’s sub-cabinet task force on the Green River flood due to the importance of public records protection. Handfield gave a PowerPoint presentation which showed a WSA truck and two staff helping the City of Auburn move 24 pallets (each holding 40 or 50 boxes) of records to higher ground. He went on to describe the economic impact a flood could create on the state. Handfield praised Puget Sound Regional Archives staff for helping cities and towns solve their potential records problems.

Many government agencies have stored their records off-site with Iron Mountain, which has a large storage facility in the flood zone. WSA informed some of these agencies of the flood threat, and at least one agency requested that its records be returned. While Iron Mountain has assured customers it will use extra sandbags around the perimeter of the building and move the stored records to higher shelves, the State Archivist voiced concern about quickly mold can damage records simply from too much humidity in the air.

WSA is here to assist any agencies in the Kent Valley whose public records are at risk, and they should not hesitate to contact their regional branch. The AOC approved a \$100,000 mini-grant

program to help local government agencies in the Green River flood zone who want to take action to prevent their records from getting damaged.

Tri Howard asked what agencies should do who don't have space to store records currently housed in private storage facilities in the flood plain. Handfield responded that the regional branches have offered temporary storage space, as well as the National Archives in Seattle.

Agencies can face large fees when they attempt to withdraw their boxes from private storage vendors. According to Jennifer Winkler, fees range from \$15 to \$100 per box, and, in addition, can also include a \$1,000 close-out fee. Further discussion about private storage fees and insurance coverage of public records ensued.

Handfield again mentioned the recent executive decision by Pierce County to retain all emails for six years, and reported that a City of Monroe council member plans to post all of his emails on the web so that anyone who is interested in them has full access to them, preventing the need for public records requests.

Tri Howard questioned whether local agencies relying on private technology vendors to retain original records (using Google docs to retain emails, phone companies to retain text messages, etc.), didn't create chain-of-custody issues. Handfield clarified that posting *copies* of emails on the web doesn't reduce the local agency's responsibility to protect and control its *original* public records.

Handfield is going to participate in an Open Government forum next week in Port Townsend. A recent incident in Bellingham will be addressed concerning a local judge's order to destroy some public records (which were being contested) before they had met their full retention.

Relating to the 2011-2013 budget, Handfield reported that the Office of Financial Management has asked WSA to reduce its current expenses by 10%.

V. NEXT MEETING – January 28, 2010, 10:00 am, Washington State Archives, Olympia.

VI. ADJOURNMENT

Motion to adjourn the meeting: Evans; seconded by Handfield.

Resolution: Motion carried.

The chair adjourned the meeting at 11:40 a.m.

CERTIFICATION OF MEETING MINUTES OF THE LOCAL RECORDS COMMITTEE:

I, Mark Rapozo, Chair of Local Records Committee, certify that the above is a true and correct transcript of the minutes of a public meeting of the Local Records Committee of the State of Washington held in the State Archives Building conference room on December 3, 2009, and that the public meeting was duly called and held in all respects in accordance with the laws of the State of Washington, and that a quorum was present.


Chair Signature

1/28/10
Date